

# The Michigan Interpreter Bill

Senate Bill No. 25  
House Bill No. 4208  
2007

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# Bill Sponsors

- ▶ SB 25 was introduced on January 24, 2007 by Senator John Gleason of District 27 (Genesee County). The bill was referred to the Senate Judiciary Committee.
- ▶ The identical bill, HB 4208 was introduced on February 7, 2007 by Representative Dudley Spade of District 57 ( Lenawee County). The bill was referred to the House Regulatory Reform Committee.



John Gleason



Dudley Spade

# What does SB 25 and HB 4208 do?

- ▶ Amends the existing Deaf Person's Interpreter Act of 1982 (PA 204) that currently covers the courts and administrative hearings only.
- ▶ Expands coverage to educational institutions, medical providers, financial institutions, legal arenas, employers, and state and local governments.
- ▶ Defines "qualified sign language interpreter" and "oral interpreter."
- ▶ Defines "DeafBlind" person.
- ▶ Adds penalty section for interpreting without qualifications or hiring unqualified interpreters.
- ▶ Authorizes DODHH to promulgate administrative rules covering requirements for certification, testing, application fees, and application and grievance procedures.

Many federal and state laws already require accommodations be made for persons with hearing loss. PA 204 was enacted before ADA. With new changes, PA 204 would now "mirror" those newer laws, like ADA, and clearly define the provision of qualified interpreters.

# Video of Rep. Gleason's Presentation at the Day at the State Capitol



On May 17, 2006 Rep. John Gleason announced to an audience of deaf, hard of hearing, and general public that he would introduce the Interpreter Bill at Day at the State Capitol. Rep. Gleason explained the bill.

# Communication as a Basic Right.

Communication is:

- ▶ A right guaranteed by the U.S. and MI Constitutions.
- ▶ DODHH's mission.
- ▶ The most important skill a person has or should have.
- ▶ The foundation for everything we do.
- ▶ Usually absent when problems exist.
- ▶ Sometimes hindered by those already having access to their communication needs and not wanting to accommodate for others' differences.

# Misconceptions About the Bill

- ▶ “This bill will force employers to hire interpreters and thus increase the costs of running a business.”
  - This bill simply addresses the fact that if an employer hires an interpreter as required by the existing federal and state civil rights laws, he/she must make sure that the interpreter is qualified.
  
- ▶ “The precedent of this bill will lead to the same requests for other varied disability groups.”
  - The bill is only for sign language interpreters now in use. It prevents the businesses, schools, etc... from using less skilled interpreters who can cause misunderstandings – resulting in a lack of equal access to services.

# Misconceptions continued...

- ▶ “The penalty is so severe that no one will want to become an interpreter.”
  - The penalty fee and jail term is the same as other licensed professions in Michigan. Why should interpreters be treated differently from nurses, electricians, audiologists, etc?
- ▶ “If I talk with a deaf person through an unqualified interpreter at a social event, then the interpreter and I will be fined.”
  - No. The law applies only to the specific situations required by the civil rights’ laws. Impromptu and casual conversations are not covered by civil rights’ laws.
- ▶ “The new requirements in the bill will cause a greater interpreter shortage.”
  - It will increase the number of sign language interpreters because the bill recognizes them as professionals and they will be treated accordingly.

# Misconceptions continued...

- ▶ “The bill will increase operational costs for the state related to overseeing a program to qualify interpreters.”
  - The Division on Deaf and Hard of Hearing with advice from the Michigan Deaf Association and the Michigan Registry of Interpreters for the Deaf have been operating the Quality Assurance Program for Interpreters since 1982. They will continue their duties with some modifications through the Rules.
- ▶ “The current qualified interpreters will have to take tests again under the new program.”
  - The DODHH expects that the promulgated Rules will allow those interpreters who hold current QA levels to be “grandfathered” into the state certification program until their current terms expire and then they will retake the test. Interpreters currently holding national certification will just apply for the state certification without taking an additional test.

# Why Is the Bill Needed?

- ▶ Except for K-12 Education Administrative Rules for schools and P.A. 204 of 1982 for courts/ administrative hearings, there is no requirement to use qualified interpreters.
- ▶ Service providers often tell deaf persons to bring their family members to interpret.
- ▶ A large percent of schools use unqualified interpreters for deaf children's education.
- ▶ Unqualified interpreters tend to accept assignments and do the translation inaccurately.

# Why Is the Bill Needed? continued...

- ▶ Some unqualified interpreters charge the same hourly rate as interpreters with national/state qualifications.
- ▶ Providers do not understand the quality issue. "An interpreter" is "an interpreter" to them.
- ▶ Deaf people have to justify the need for a qualified interpreter when asking for one. Often, they lack the technical skills in explaining their needs and/or rights.
- ▶ The penalty clause is necessary because it increases compliance with the law.

# Educational Situations

- Using an unqualified interpreter may directly impact the educational standing of a client. As a result, client may not have equal access to educational opportunities and development. Some of the educational areas that can be adversely affected secondary and post secondary academics, access to licensed training programs and community based educational programs

# Medical Situations

- ▶ Using an unqualified interpreter may directly impact the health services received by the client. As a result, the client is less likely to be given follow-up appointments, has a greater risk of hospital admissions, and faces the possibility of additional drug complications which result in longer medical stays and the use of more resources.

# Financial Situations

- Using an unqualified interpreter may directly impact the financial livelihood of a client. As a result, the person may not have a clear understanding of financial obligations to certain parties. Some financial issues that can be that can be adversely affected include, personal finance management, homeownership and credit standing.

# Legal Situations

- Using an unqualified interpreter may directly impact the legal standing of a client in the community. As a result, the client may not have qualified communication services available to them outside of court proceedings. Some legal situations that can be adversely affected include, probation, court ordered education and legal counsel.

# Employment Situations

- Using an unqualified interpreter may directly impact a client's employment standing. As a result, the client may not have equal access to information in the workplace. Some areas of employment that may be adversely affected are, hiring, access to employment policies, on the job training, standards for job retention and access to staff meetings.

# State & Local Government

- Using an unqualified interpreter for access to State and Local Government can impact a persons ability to effectively participate in the legislative process. Including, court proceedings, access to local and state administrative hearings, state services and program.

# Difference Between Qualified and Unqualified Interpreter

- ▶ An unqualified interpreter may not convey the message completely from the deaf person to the hearing person and vice-versa.
- ▶ An unqualified interpreter may not follow the NAD-RID Code of Professional Conduct. Example: confidentiality.
- ▶ An unqualified interpreter is not trained to translate/interpret at various levels of sign communication.

# Comparison – Qualified Interpreter

Below is an accurate translation taken from a qualified interpreter during a discussion between a deaf person and a computer technician.

## Technician voices:

"The reason the EMC installation froze on your computer is because your Windows registry has some corrupted files. What you should do now is download the Windows Installer Clean Up program to clean out the EMC application. Then you need to reinstall EMC after rebooting your computer. Do you have any questions?"

## Deaf person signs:

"ME FINISH TRY REMOVE EMC. ME USE C-O-N-T-R-O-L P-A-N-E-L ADD/REMOVE PROGRAMS. NO DIFFERENCE."

## Interpreter signs - Interpreted:

"REASON WHY E-M-C PUT FREEZE YOUR COMPUTER? YOUR WINDOWS REGISTER HAVE DAMAGE F-I-L-E-S. DO- DO? DOWNLOAD WINDOWS I-N-S-T-A-L-L-E-R CLEAN-UP PROGRAM. IT WILL CLEAN-UP EMC PROGRAM. YOU NEED PUT EMC AGAIN AFTER SHUT-DOWN START YOUR COMPUTER. HAVE QUESTIONS?"

## Interpreter voices in English:

Deaf person: "I have tried to remove EMC by using Control Panel with Add/Remove Programs. It won't make any difference."

# Comparison – Unqualified Interpreter

## Technician voices:

"The reason the EMC installation froze on your computer is because your Windows registry has some corrupted files. What you should do now is download the Windows Installer Clean Up program to clean out the EMC application. Then you need to reinstall EMC after rebooting your computer. Do you have any questions?"

## Deaf person signs:

"ME FINISH TRY REMOVE EMC. ME USE  
"C-O-N-T-R-O-L P-A-N-E-L  
ADD/REMOVE PROGRAMS. NO  
DIFFERENCE."

## Interpreter signs - Interpreted:

"REASON WHY E-M-C I-N-S-T-A-L-L-A-T-I-O-N FREEZE YOUR COMPUTER? YOUR W-I-N-D-O-W-S R-E-G-I-S-T-R-Y HAVE DAMAGE F-I-L-E-S. WHAT YOU SHOULD DO IS T-O- D-O-W-N-L-O-A-D WINDOWS I-N-S-T-A-L-L-E-R CLEAN-UP APPLICATION APPLY T-O CLEAN-UP EMC PROGRAM. YOU NEED T-O R-E-I-N-S-T-A-L-L EMC AFTER R-E-B-O-O-T-I-N-G YOUR COMPUTER. D-O YOU HAVE ANY QUESTIONS?"

## Interpreter voices in English:

"I finish try to remove EMC by using (I didn't catch that part) with Add/Remove Programs. There is no difference." (Interpreter signs: ASK HIM QUESTIONS.)

Errors are shown above in red. The interpreter fingerspells words (represented by dashes) that already have a sign/gloss. The interpreter signs "APPLY" as in applying for a job instead of applying something to a program. The interpreter missed the deaf person's fingerspelled words. Lastly, the interpreter goes out of role by telling the deaf person to ask questions.

# Examples of Interpreter Cases Handled by the DODHH

- ▶ A public school asked the DODHH for a list of non-certified or unqualified interpreters because the school cannot afford professional interpreters.
- ▶ An eye doctor in Kalamazoo stopped the interpreter from interpreting by holding her hands down. The deaf patient had brought his own interpreter after the doctor refused to provide one.
- ▶ A school laid off a qualified, QA II interpreter while keeping another unqualified interpreter who had less seniority because the unqualified interpreter cost less.

# Example cases continued...

- ▶ A bank refused to provide an interpreter at loan closing.
- ▶ A police station, parole officer, and jail house refused to provide interpreting services.
- ▶ More and more schools are calling DODHH to verify what they believe to be faulty qualifications of interpreter candidates.

# Arguments for SB 25 and HB 4208

- ▶ Effective communication access for deaf and hard of hearing people is necessary in all aspects of daily life.
- ▶ Equal access to the educational system for deaf and hard of hearing children is a right.
- ▶ This legislation reduces barriers to employment.
- ▶ An updated PA 204 will increase consumer satisfaction.
- ▶ Passing SB 25 and HB 4208 will increase compliance with existing laws.
- ▶ New and additional job opportunities will be created by this law.
- ▶ Legislation will set standards of excellence for interpreters.
- ▶ PA 204 can prevent people from using professional titles when they do not hold that certification and qualification.
- ▶ PA 204 will recognize the interpreter as a professional.
- ▶ Passing SB 25 and HB 4208 will protect the public from unethical business practices and unqualified practitioners.

# Arguments **Against** SB 25 and HB 4208

- ▶ May have additional bureaucracy
- ▶ May result in additional fees
- ▶ No guarantee the bill will increase the number of professionals available
- ▶ How will criteria for qualification be determined?
- ▶ Shortage of qualified interpreters because of difficulty to meet the criteria
- ▶ DODHH is currently understaffed

# States with Interpreter Certification/License Programs

Alaska

Massachusetts

Texas

Georgia

Minnesota

Utah

Illinois

Missouri

Wisconsin\*

Indiana

Nebraska

Kentucky

Ohio\*

Maine

Oklahoma

\* Educational interpreters only

# General Information about Interpreting

## Interpreters:

- ▶ Are fluent in two (2) or more languages.
- ▶ Often have obtained post-secondary training.
- ▶ Adhere to the National Association of the Deaf-Registry of Interpreters for the Deaf Code of Professional Conduct.
- ▶ Function as professionals.
- ▶ Have working knowledge of Deaf Culture.
- ▶ Are often the communication model for deaf students in public schools.

# General Information continued...

- ▶ It takes a person about three (3) years to learn American Sign Language and interpreting before taking the state QA test.
- ▶ It then takes an additional 3-8 years to develop the native-like fluency for a person to be ready to take a national certification test.
- ▶ Michigan has about 250 QA and 90 nationally certified interpreters.

# Questions & Answers

For more information, contact:

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